

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**STATE ORIGIN
AIR QUALITY PERMIT**

Permittee Name: Flower's Bakery of London, LLC
Mailing Address: 501 East 4th Street
London, KY 40741

Source Name: Flower's Bakery of London, LLC
Mailing Address: Same as above

Source Location: Same As Above

Source ID #: 21-125-00097
SIC Code: 2099

Regional Office London Regional Office
875 S. Main Street
London, KY 40701
(606) 878-0157

County: Laurel

Permit Number: S-03-119
Log Number: 56187
Permit Type: Operating/Construction

Application
Complete Date: December 17, 2003
Issuance Date: December 23, 2003
Expiration Date: December 23, 2013

**John S. Lyons, Director
Division for Air Quality**

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify an affected facility without first having submitted a complete application and received a permit for the planned activity from the Division, except as provided in this permit or in 401 KAR 52:040, State-origin permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining other permits, licenses, or approvals that may be required by the Cabinet or other federal, state, or local agencies.

The Division for Air Quality has determined that this facility's potential to emit any air pollutant is less than 100 tons per year. Therefore, although the permit is conditioned to allow emissions in excess of 100 tons per year pursuant to federally enforceable Regulation KAR 59:010, New Process Operations, emissions equal to or in excess of 100 tons per year of any pollutant are not possible. Accordingly, this permit is being issued as a minor source state-origin permit. [401 KAR 52:040]

SECTION B - MISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**Emission Group #1, units 01A to 01D (HB1 to HB4) - Fermenting Operations****Description:**

Emission Unit	Max Process Rate (lb/hr)	Construction Commenced	Control Device
Unit 01A (HB1)	1,821	Mar-92	None
Unit 01B (HB2)	1,905	Aug-92	None
Unit 01C (HB3)	2,436	Jul-96	None
Unit 01D (HB4)	2,346	Apr-99	None

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

N/A

2. Emission Limitations:

N/A

3. Testing Requirements:

N/A

4. Monitoring Requirements:

The permittee shall monitor the weight throughput of material being fermented by each unit on a weekly basis.

5. Record Keeping Requirements:

- a. The permittee shall compile and maintain records of the amount of material being fermented on a weekly basis.
- b. These records should be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

6. Reporting Requirements:

See Section C.C

SECTION B - MISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Group #2, units 02A to 02H (HB1 to HB4, ST1, DG1, DG3) - Frying Operations; unit 02H (BP1) - Baking Operations

Description:

Emission Unit	Max Process Rate (lb/hr)	Construction Commenced	Control Device
Unit 02A (HB1)	1,821	Mar-92	None
Unit 02B (HB2)	1,905	Aug-92	None
Unit 02C (HB3)	2,436	Jul-96	None
Unit 02D (HB4)	2,346	Apr-99	None
Unit 02E (ST1)	2,057	Dec-98	None
Unit 02F (DG1)	1,169	Jan-75	None
Unit 02G (DG2)	1,434	Aug-79	None
Unit 02H (DG3)	2,325	Dec-03	None

APPLICABLE REGULATIONS:

401 KAR 59:010, New Process Operations

1. Operating Limitations:

N/A

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(2), particulate emissions from frying shall not exceed:

Emission Unit	PM Emission (lb/hr)
Unit 02A (HB1)	3.4
Unit 02B (HB2)	3.5
Unit 02C (HB3)	4.1
Unit 02D (HB4)	4.0
Unit 02E (ST1)	3.7
Unit 02F (DG1)	2.6
Unit 02G (DG2)	2.9
Unit 02H (DG3)	3.9

SECTION B - MISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- b. Pursuant to 401 KAR 59:010 Section 3(1), any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

Compliance Demonstration Method: The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a weekly basis and maintain a log of the observations. If visible emissions from the stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for any necessary repairs.

3. Testing Requirements:

N/A

4. Monitoring Requirements:

The permittee shall monitor the weight throughput of each frying and baking unit on a weekly basis.

5. Record Keeping Requirements:

- a. The permittee shall compile and maintain records of the amount of flour processed on a weekly basis.
- b. These records should be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
- c. The permittee shall maintain the weekly opacity logs book and make it available for inspection upon request by any duly authorized representative of the Division for Air Quality.

6. Reporting Requirements:

See Section C.C

SECTION B - MISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Group #3, units 03A to 03H – Process Heating (Combustions for Frying and Baking)****Description:**

Emission Unit	Heat Input Capacity, mmBTU/hr	Construction Commenced	Control Device
Unit 03A (HB1) Gas Burner	0.94	Mar-92	None
Unit 03B (HB2) Gas Burner	0.98	Aug-92	None
Unit 03C (HB3) Gas Burner	0.94	Jul-96	None
Unit 03D (HB4) Gas Burner	0.98	Apr-99	None
Unit 03E (ST1) Gas Burner	2.0	Dec-98	None
Unit 03F (DG1) Gas Burner	0.84	Jan-75	None
Unit 03G (DG2) Gas Burner	0.94	Aug-79	None
Unit 03H (DG3) Gas Burner	0.98	Dec-03	None

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

N/A

2. Emission Limitations:

N/A

3. Testing Requirements:

N/A

4. Monitoring Requirements:

The permittee shall monitor the amount of natural gas or propane burnt by each unit on a weekly basis.

5. Record Keeping Requirements:

- a. The permittee shall compile and maintain records of the natural gas or propane burnt by each unit on a weekly basis.
- c. These records should be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

SECTION B - MISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Reporting Requirements:

See Section C.C

SECTION B - MISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Group #4, units 04A and 04B, Flour Storage Silos****Description:**

Emission Unit	Max Process Rate (lb/hr)	Construction Commenced	Control Device
Units 04A, 04B (FS1, FS2)	67,000	Jan-98	Bin Vent Filters
Units 04C, 04D (SS1, SS2)	67,000	Dec-03	Bin Vent Filters

APPLICABLE REGULATIONS:

401 KAR 59:010, New Process Operations

1. Operating Limitations:

N/A

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(2), particulate emissions shall not exceed:

Emission Unit	PM Emission (lb/hr)
Unit 04A – 04C (FS1, FS2, SS1, SS2)	31.7

- b. Pursuant to 401 KAR 59:010, Section 3(1), any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

Compliance Demonstration Method: Compliance with emission limitations shall be assured through compliance with Section C.F.1.a.

3. Testing Requirements:

N/A

4. Monitoring Requirements:

The permittee shall monitor the weight of flour loaded to each silo on a weekly basis.

SECTION B - MISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Record Keeping Requirements:

- a. The permittee shall compile and maintain records of the amount of flour loaded to each silo on a weekly basis.
- b. These records should be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

6. Reporting Requirements:

See Section C.C

7. Control Equipment

- a. The bin vent filters shall be operated as necessary to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and/or standard operating practices.
- b. Records regarding the maintenance of the control equipment shall be maintained.

SECTION C - GENERAL CONDITIONS

A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:040, Section 3(1)(b) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of ten (10) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:040, Section 15].
3. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Material incorporated by reference by 401 KAR 52:040, Section 1a, 15].
4. Pursuant to materials incorporated by reference by 401 KAR 52:040, this permit may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition [Material incorporated by reference by 401 KAR 52:040, Section 1a, 4, 5].
5. This permit does not convey property rights or exclusive privileges [Material incorporated by reference by 401 KAR 52:040, Section 1a, 8].
6. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:040, Section 11(3)].
7. All previously issued permit to this source at this location are hereby null and void.

B. Record keeping Requirements

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of at least five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:040, Section 3(1)(f)].
2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to 401 KAR 52:040, Section 21.

SECTION C - GENERAL CONDITIONS (CONTINUED)

C. Reporting Requirements

1. a. In accordance with the provisions of 401 KAR 50:055, Section 1 the permittee shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - i. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit notice upon request.
- b. The permittee shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition 1 a) above) , the probable cause of the deviation, and corrective or preventive measures taken; to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report [Material incorporated by reference by 401 KAR 52:040, Section 5, 3].
2. The permittee shall furnish information requested by the cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit [Material incorporated by reference by 401 KAR 52:040, Section 1a, 8].
3. Summary reports of monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

The summary reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:040, Section 21. All deviations from permit requirements shall be clearly identified in the reports.

D. Inspections

1. In accordance with the requirements of 401 KAR 52:040, Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;

SECTION C - GENERAL CONDITIONS (CONTINUED)

- b. To access and copy any records required by the permit.

- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times are defined as during all hours of operation, during normal office hours, or during an emergency.
- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

E. Emergencies/Enforcement Provisions

- 1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
- 2. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
- 3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.
- 4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

F. Compliance

- 1. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
 - a. Pursuant to 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by 401 KAR 50:055, Section 1.

SECTION C - GENERAL CONDITIONS (CONTINUED)

- b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non-routine maintenance performed on each control device.
- c. A log of the monthly raw material consumption and monthly production rates shall be kept

available at the facility. Compliance with the emission limits may be demonstrated by computer program, spread sheets, calculations or performance tests as may be specified by the Division.

2. Pursuant to 401 KAR 52:040, Section 19, the permittee shall certify compliance with the terms and conditions contained in this permit by January 30th of each year, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, and
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality London Regional Office 815 S. Main St. London, KY 40741	Division for Air Quality Central Files 803 Schenkel Lane Frankfort, KY 40601-1403
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3. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with all:
 - (a) Applicable requirements that are included and specifically identified in this permit; or
 - (b) Non-applicable requirements expressly identified in this permit.

G. Construction Requirements: (DG3 – Doughnut Frying line; SS1,SS2 – Sugar Silos)

1. Pursuant to 401 KAR 52:040, Section 12(3), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon a written request, the Cabinet may extend these time periods if the source shows good cause.

SECTION C - GENERAL CONDITIONS (CONTINUED)

2. Pursuant to 401 KAR 52:040, Section 12(4)(a) and 401 KAR 59:005, General provisions, Section 3(1), within 30 days following construction commencement, within 15 days following start-up and attainment of maximum production rate, or within 15 days following the issuance date of this permit, whichever is later, the owner and/or operator of the affected facilities specified on this permit shall furnish to the Regional Office listed on the front of this permit, with a copy to the Division's Frankfort Central Office, the following:
 - a. Date when construction commenced, (See General Condition G.1).
 - b. Start-up date of each of the affected facilities listed on this permit.

- c. Date when maximum production rate was achieved, (See General Condition G.3).
3. Pursuant to 401 KAR 59:005, General provisions, Section 2(1), this permit shall allow time for the initial start-up, operation and (*performance testing and/or compliance demonstration*) of the affected facilities listed herein. However, within 60 days after achieving the maximum production rate at which the affected facilities will be operated, but not later than 180 days after initial start-up of such facilities, the owner or operator shall demonstrate compliance to a duly authorized representative of the Division.

Pursuant to 401 KAR 59:005, General provisions, Section 3(1)(b), unless notification and justification to the contrary are received by this Division, the date of achieving the maximum production rate at which the affected facilities will be operated shall be deemed to be 30 days after initial start-up.

SECTION D – INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:040, Section 6. While these activities are designated as insignificant the permittee shall comply with the applicable regulation and any level of periodic monitoring specified below.

<u>Description</u>	<u>Applicable Regulation</u>
34 Space Heaters (total 12.69 mmBTU/hr N.G.)	N/A
MA2 - Make-Up Air #2 Boiler, 2.93 mmBTU/hr N.G. (space heating)	N/A

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MA3 – Make-Up Air #3 Boiler, 1.47 mm BTU/hr N.G. (space heating)

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N/A